

ORIGINAL

OPEN MEETING AGENDA ITEM



0000128360

BEFORE THE ARIZONA CORPORATION COMMISSION

GARY PIERCE,
Chairman

2011 AUG 16 P 4:46

BOB STUMP,
Commissioner

AZ CORP COMMISSION
DOCKET CONTROL

PAUL NEWMAN
Commissioner

SANDRA D. KENNEDY
Commissioner

BRENDA BURNS,
Commissioner

IN THE MATTER OF THE APPLICATION OF)
ZAYO GROUP, LLC FOR APPROVAL OF A)
CERTIFICATE OF CONVENIENCE AND)
NECESSITY FOR INTRASTATE)
TELECOMMUNICATIONS SERVICES FOR)
RESOLD AND FACILITIES-BASED)
INTRALATA AND INTERLATA PRIVATE)
LINE SERVICES)

DOCKET NO. T-20783A-11-0024

NOTICE OF COMPLIANCE
FILING

Attached is a copy of a rider changing the Principal on the \$100,000 bond currently held by the Commission from Zayo Bandwidth, LLC to Zayo Group LLC. The original of the rider will be delivered to the Commission's Business Office.

RESPECTFULLY SUBMITTED this 16th day of August, 2011.

LEWIS AND ROCA LLP

Arizona Corporation Commission

DOCKETED

AUG 16 2011

DOCKETED BY

Thomas H. Campbell
Michael T. Hallam
40 North Central Avenue
Phoenix, AZ 85004

Attorneys for Zayo Group, LLC

ORIGINAL and thirteen (13) copies
of the foregoing filed this 16th day
of August, 2011, with:

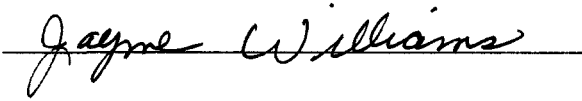
1 The Arizona Corporation Commission
2 Utilities Division – Docket Control
3 1200 W. Washington Street
4 Phoenix, Arizona 85007

5 Copy of the foregoing hand-delivered
6 this 16th day of August, 2011, to:

7 Honorable Yvette Kinsey
8 Administrative Law Judge
9 Hearing Division
10 Arizona Corporation Commission
11 1200 W. Washington Street
12 Phoenix, Arizona 85007

13 Janice Alward, Chief Counsel
14 Legal Division
15 Arizona Corporation Commission
16 1200 W. Washington Street
17 Phoenix, Arizona 85007

18 Steven M. Olea, Director
19 Utilities Division
20 Arizona Corporation Commission
21 1200 W. Washington Street
22 Phoenix, Arizona 85007

23 
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25
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NAME CHANGE SURETY RIDER

To be attached and form a part of

Type of Bond: Telecommunication System Services

Bond No. :

Dated effective: 8/11/2010
(MONTH, DAY, YEAR)

executed by: Zayo Bandwidth LLC, as Principal,
(PRINCIPAL)

and by: Berkley Regional Insurance Company, as Surety,
(SURETY)

and in favor of: Arizona Corporation Commission Utilities Division.
(OBLIGEE)


In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

INFORMATION	FROM	TO
Principal Name	Zayo Bandwidth LLC	Zayo Group, LLC

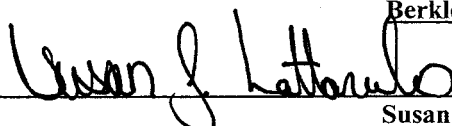
Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider is effective 7/27/2011
(MONTH, DAY, YEAR)

Signed and Sealed 7/27/2011
(MONTH, DAY, YEAR)

BY:  Controller
TITLE

Zayo Group, LLC
PRINCIPAL

BY: 
Berkley Regional Insurance Company
SURETY
Susan J. Lattarulo, ATTORNEY-IN-FACT

POWER OF ATTORNEY
BERKLEY REGIONAL INSURANCE COMPANY
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY REGIONAL INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Urbandale, Iowa, has made, constituted and appointed, and does by these presents make, constitute and appoint: *Janice R. Richards, Susan J. Lattarulo, DiLynn F. Guern, Kevin W. McMahon, Mark H. Sweigart, Florietta Acosta, Tiffany A. McGonigle, Donald E. Appleby or Sarah C. Brown of Willis of Colorado, Inc. of Denver, CO* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed **Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000)**, to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on August 21, 2000:

"RESOLVED, that the proper officers of the Company are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 23 day of December, 2010.

Attest:

Berkley Regional Insurance Company

(Seal)

By

Ira S. Lederman

Senior Vice President & Secretary

By

Jeffrey M. Hafter

Senior Vice President

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT)

) ss:

COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this 28 day of December, 2010, by Jeffrey M. Hafter and Ira S. Lederman who are sworn to me to be the Senior Vice President, and the Senior Vice President and Secretary, respectively, of Berkley Regional Insurance Company.

EILEEN KILLEEN
NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 30, 2012

Eileen Killeen
Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY REGIONAL INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 27th day of July, 2011.

(Seal)

Steven Coward
Steven Coward

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, warning and confirmation (on reverse) must be in blue ink.